IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.992 OF 2001

Ramesh S. Shetty ...Appellant

Vs.

Mistry Co-op. Hsg.Soc.Ltd.,
Mahal and others ...Respondents

Mr.A.M.Saroagi for the Appellant
Mr.Shishir Joshi for the Respondent.

CORAM: A.S.OKA, J.

DATED: JANUARY 10, 2005.

P.C.:

1. Admit. The learned Counsel for the Respondent waives service. Considering the facts and circumstances, the Appeal is taken up forthwith for final hearing.

2. The Appellant has taken exception to the order dated 31st July 2001 passed by the learned Trial Judge. By the impugned Order the learned Trial Judge declined to grant ad-interim relief in favour of the Appellant.

3. On November 9, 2001 this Court issued notice for final disposal. While issuing notice, this Court has observed that the learned Counsel for the Appellant stated that the Appeal was pressed only with regard to the prayer clause (b) of the

Notice of Motion. This Court directed the parties to maintain status-quo with regard to the suit property until further orders. Ad-interim order passed by this Court is operating for last more than three years.

4. It is not in dispute between the parties that the Notice of Motion No.3210 of 2001 is ready for hearing and the pleadings in the Notice of Motion are complete. In view of this position, either parties will be affected if findings on merit are recorded in this Appeal. The interests of justice will be served by disposing of this Appeal by passing the following order:

i) The Trial Court is directed to decide finally Notice of Motion No.3210 of 2001 within a period of eight weeks from the date of production of an authenticated copy of this order.

ii) Till the disposal of the Notice of Motion, Ad-interim order dated 9th November 2001 passed in this Appeal will continue to operate.

iii)It is made clear that the Notice of Motion will be decided on its own merit.

iv) Parties and the concerned Court to act upon an authenticated copy of this order.

Judge.